



CITY OF HAYWARD

AGENDA REPORT

Meeting Date 11/04/04
Agenda Item 1

TO: Planning Commission

FROM: Andrew S. Gaber, Development Review Engineer

SUBJECT: Tentative Parcel Map 7990 – Request for a 24-Month Extension of the Tentative Parcel Map to Subdivide Two Parcels into 3 Lots for Single-Family Homes - Mai Nguyen (Applicant/Owner)

The Property is Located at 25209 - 25211 Soto Road on the Southwest Corner of Soto Road and Berry Avenue in a Single-Family Residential – 6000 Square Foot Minimum Lot Size (RSB6) Zoning District

RECOMMENDATION:

Staff recommends that the Planning Commission approve a 24 month extension of the tentative parcel map. This proposal is Categorically Exempt from CEQA pursuant to Section 15305, *Minor Alteration in Land Use Limitations*.

DISCUSSION:

On November 21, 2002 the Planning Commission approved Tentative Parcel Map 7990, which would subdivide two parcels, approximately 18,000 ±sq. ft. total, into three parcels of approximately 6,000 square feet. A tentative parcel map is valid for an initial 2 year period, or until November 21, 2004, but the Planning Commission may grant an extension(s) to file the parcel map for whatever time period it deems appropriate, provided the extension(s) does not exceed 36 months.

There are two single-story single-family homes, built in 1920 and fronting on Soto Road, which will remain. Neither home has a garage and the applicant was required to construct a two-car garage for each unit prior to recordation of the parcel map in order to bring the homes into compliance with minimum design standards. In addition, the applicant is required to provide separate sewer and water services for each of the homes and construct frontage improvements along Berry Ave. in front of the existing home prior to recordation of the parcel map.

The current applicant/property owners requested the extension because they do not currently have the fiscal resources to construct the required garages and improvements. The applicant indicates that they will make a diligent effort to complete the process as quickly as possible.

Neither the City's Subdivision Ordinance nor the State Map Act establish specific criteria by which a request for an extension must be judged; rather, the extension is at the discretion of the Planning Commission. In making the decision, the Planning Commission may want to consider that no

changes to the project are proposed as part of the tentative parcel map extension and there have been no significant changes in the area or in City policies that would be in conflict with the design of the tentative map. In addition, based on these same facts, the original Findings and Categorical Exemption are still valid and appropriate.

The project was, and is consistent with the *General Plan* designation, Residential Medium Density and the *Zoning Ordinance* designation of RSB6 (Single-Family Residential – 6000 Square Foot Minimum Lot Size)

PUBLIC HEARING NOTICE:

A notice was mailed to all property owners and tenants within 300 feet of the subject property and to all interested parties regarding this request for the tentative map extension.

CONCLUSION:

The State Map Act and the City's Municipal Code allow the applicant to request the extension. Granting the extension would allow the applicant additional time to construct the garages and install the improvements prior to recording the parcel map.

Prepared by:



Andrew S. Gaber

Development Review Engineer

Recommended by:

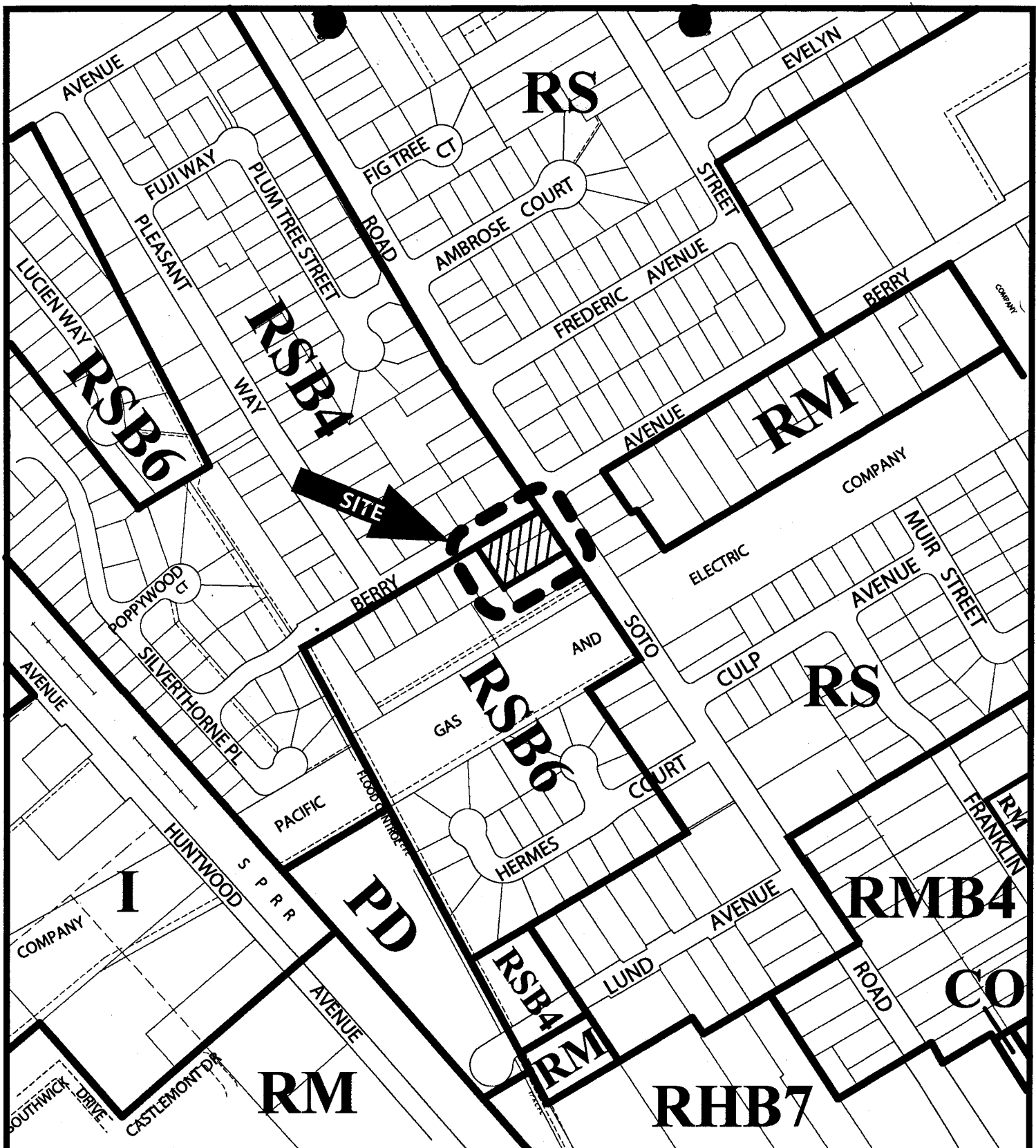


Dyana Anderly, AICP

Planning Manager

Attachments:

- A. Area Map
- B. Findings for Extension
- C. Original Conditions of Approval – Tentative Parcel Map 7990
Tentative Parcel Map 7990



Area & Zoning Map

PL-2002-0371 OOO

Address: 25211 Soto Road

Applicant:

Owner:

CN-Neighborhood Commercial

CO-Commercial Office

I-Industrial

PD-Planned Development

RH-High Density Residential RHB 7

RM-Medium Density Residential RMB 3.5, RMB 4

RS-Single-Family Residential, RSB4, RSB6



**FINDINGS FOR EXTENSION
TENTATIVE PARCEL MAP 7990
25209 – 25211 Soto Road**

- A. The development takes into consideration physical and environmental constraints in that approval of the extension of Tentative Parcel Map 7990 will have no significant impact on the environment, cumulative or otherwise, the project reflects the City's independent judgment and the project is categorically exempt from the California Environmental Quality Act (CEQA), pursuant to Section 15332, *In-Fill Development Projects*. The Extension is also exempt for CEQA pursuant to Section 15305, *Minor Alteration in Land Use Limitations*.
- B. The tentative parcel map, as conditioned, substantially conforms to the State Subdivision Map Act, the City's Subdivision Regulations, the General Plan, and the Jackson Triangle Neighborhood Plan.
- C. The site is physically suitable for the proposed type of development.
- D. Existing streets and utilities are adequate to serve the project.
- E. None of the findings set forth in Section 64474 of the Subdivision Map Act¹ have been made, and the approval of the tentative parcel map is granted subject to the recommended conditions of approval.

¹ The findings of Section 66474 set forth the grounds for denial of a tentative map which are as follows:

- (a) That the proposed map is not consistent with applicable general and specific plans as specified in Section 65451.
- (b) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.
- (c) That the site is not physically suitable for the type of development.
- (d) That the site is not physically suitable for the proposed density of development.
- (e) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- (f) That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- (g) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property with the proposed subdivision.

**CONDITIONS OF APPROVAL
TENTATIVE PARCEL MAP 7990
25209 – 25211 Soto Road**

PRIOR TO RECORDATION OF THE PARCEL MAP:

1. The two-car garages for the existing homes on Parcels 1 and 2 shall be completed. The garage design and materials shall be consistent with the existing homes and shall meet the approval of the Planning Director. The garages shall comply with the City of Hayward Zoning Ordinance and Design Guidelines.

Prior to construction or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.

2. The electrical services to the three parcels shall be underground.
3. The existing units shall each have separate sanitary sewer and water connections to the public mains located within the abutting streets. The design and location of connection to be approved by the City Engineer. Any water well or cathodic protection well, or exploratory boring that is shown on this map, is known to exist, is proposed, or is located during the course of field operations shall be properly destroyed, backfilled or maintained in accordance with applicable groundwater protection ordinances. The owner or other responsible party should call the Alameda County Flood Control District, Zone 7, (510) 443-9300, for additional information. Any septic tank, leach field, etc. that is known to exist or is located during the course of field operations shall be properly destroyed per Alameda County Health Department Regulations.
4. The two existing homes located at 25209 and 25211 Soto Road shall comply with the requirements of the City of Hayward Housing Inspection Division and the City Building Official prior to the recordation of the parcel map.
5. All on-site trees 10-inches in diameter of greater shall be preserved.

PRIOR TO THE FINAL INSPECTION FOR THE GARAGE ON LOT 1:

6. All street improvements along the Berry Avenue frontage of Parcel 1 shall be completed to the satisfaction of the City Engineer. The design of the street improvements shall be approved by the City Engineer prior to the start of construction.

PRIOR TO THE ISSUANCE OF CERTIFICATE OF OCCUPANCY FOR LOT 3:

7. The home shall be designed so that site and elevation design meet the Planning Directors approval. The home design shall comply with the City of Hayward Zoning Ordinance and Design Guidelines.

Prior to construction or installation of improvements, a building permit must be obtained from the Building Division. All improvements must be completed in accordance with the Uniform Building Code and Uniform Fire Code as adopted by the City of Hayward.

8. All street improvements along the Berry Avenue frontage shall be completed to the satisfaction of the City Engineer. The design of the street improvements shall be approved by the City Engineer prior to the start of construction.
9. Park Dedication In-Lieu Fees are required for one new dwelling unit. Fees shall be those in effect at the time of issuance of the building permit.

**DUE TO THE LENGTH OR COLOR
OF THE REFERENCED EXHIBIT,
IT HAS BEEN ATTACHED AS A
SEPARATE LINK.**